

DON'T ASK, DON'T TELL POLICY: INEVITABLE REPEAL

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USAWC STRATEGY RESEARCH PROJECT

DON'T ASK, DON'T TELL POLICY: INEVITABLE REPEAL

by

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ABSTRACT

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Since the establishment of the "Don't Ask, Don't Tell (DADT)" policy on 30 November 1993, the tenor of the times has significantly changed on the issue of sexual orientation in American society. There is less social ambivalence and animosity on the issue. This paper will examine a number of societal trends on sexual orientation that may inevitably impact the DADT policy. Research will review recent trends among foreign militaries and several key domestic institutions. The paper explores comparable similarities between the integration of homosexuals into the U.S. military with that of African-Americans and women. Lastly, the discourse will conclude with recommendations by the Rand Corporation for the implementation of any future policy change. This paper will not attempt to answer the strategic question: Should open gays and lesbians be allowed to serve in the Armed Forces of the United States? This approach seeks the suspense of moral judgment to allow an objective analysis of empirical data which may make the repeal of the DADT policy inevitable in the foreseeable future.

DON'T ASK, DON'T TELL POLICY: INEVITABLE REPEAL

In the 21st Century, arguably one of the most arresting issues confronting U.S. strategic military leadership and Washington policymakers will be the participation of open gays, and lesbians (GL)¹ in the Armed Forces of the United States. According to congressional reports, on 28 February 2007, Congressman Martin Meehan (Democrat-Massachusetts) and 141 co-sponsors, including conservative Republicans, introduced the *Military Readiness Enhancement Act* (H.R. 1246) that would repeal the “Don’t Ask, Don’t Tell” policy which is currently in legislative committee.² The DADT policy would be replaced by a policy of nondiscrimination on the basis of sexual orientation within the Department of Defense (DoD).

The existing DADT policy, it is important to note, permits homosexuals to serve in the U.S. military, but they cannot publicly acknowledge their sexual orientation or engage in prohibited conduct.³ In short, GLs may serve in the U.S. military but only in secrecy and celibacy. By some estimates, this affects over 65,000 GLs serving on active and reserve duty, as well as one million gay and lesbian veterans in America today.⁴

Over the last decade, U.S. military personnel involved in the prosecution of the Global War on Terror (GWOT) have served with multinational forces and domestically with agencies that permit GLs to serve openly. To date, almost 30 foreign militaries around the world have lifted their GL bans which include all of the countries in the European Union.⁵ Domestically, GLs openly serve in many of America’s governmental agencies such as the National Security Agency, Central Intelligence Agency, Federal Bureau of Investigation, Drug Enforcement Agency, and scores of domestic police and

fire departments across the nation.⁶ Seemingly, there appears to be a common pattern of inclusion among foreign militaries and within several key American domestic institutions.

In the same way, there is a definite trend toward more societal tolerance of GLs which indicates an important decline in ambivalence and animosity towards homosexuals within the American society. Scholars like Allan Futernick contend “if societal ambivalence on homosexuality could be eliminated (or at least significantly reduced), and a ‘social imprimatur’ of acceptance of homosexuality could be obtained, the probability of eventual change within American institutions (to include the military) would certainly increase significantly”.⁷

This paper uses an interdisciplinary approach to examine numerous topics to illustrate recent societal and cultural trends in the American milieu that signal a shift in attitude toward homosexuals. Discourse will begin with an historical synopsis of U.S. policies relating to homosexuals serving in the military which led to the current DADT policy. Second, the paper examines recent trends among foreign militaries and key domestic institutions. Next, it explores similar comparisons between the integration of GLs with the integration of African-Americans and women in the U.S. military. Fourth, it will highlight several societal trends which appear to demonstrate greater tolerance and less animosity toward homosexuals by the American populace. Finally, the paper concludes with recommendations by the Rand Corporation for the implementation of any policy change.

Historical Synopsis of U.S. Policies on Homosexuals in the U.S. Military

Many military historians agree that GLs have served with dignity and honor, been wounded, and lost their lives in the Armed Forces on behalf of the United States since its origin. However, dating back to the days of the Continental Army the practice of homosexual exclusion has a lengthy history in the U. S. military, when troops were “drummed out of the ranks” for participating in forbidden same-sex relations.⁸ As early as the 1860s, according to the *Manual of Instruction for Military Surgeons*, gays were excluded from military service and removed from the ranks for “habitual and confirmed intemperance, or solitary vice”.⁹ At bottom, this issue has been a conflated one since the infancy of the United States of America.

Many scholars contend that historically, the military policy on sexual orientation generally proceeds along two distinct paths: legal restrictions and administrative regulations. Most agree that prior to the First World War, U.S. military law did not explicitly address homosexuality per se. Therefore, military leadership was given considerable authority over their personnel in such disciplinary matters. The first codification of policy was the *Articles of War* of 1916, instituted on 1 March 1917, which limited conduct of sodomy to cases of assault with the “intent to commit sodomy”.¹⁰ Congress officially enacted the *Articles of War*, which gave legal sanction to the prosecution of consensual sodomy (Article 93) as a dischargeable offense in June 1920.¹¹

The next significant change came during the tumultuous Second World War period (1941- 45) when military regulations were modified to reflect the medical understanding of homosexuality as a psychological disorder as opposed to a criminal offense. Individuals with “homosexual tendencies” were generally considered unsuitable for

military service unless they were considered “treatable”, in which case they were required to undergo rehabilitation to remain in the U.S. military.¹² Some experts note the vague terminology of the guidelines shrouds the distinction between identity and conduct which gave military commands more latitude to determine whether persons identified as homosexuals would be retained or discharged during the period. As a consequence, there was no standardization of the official policy among the respective services. In essence, depending on the branch of service, some personnel were given honorable discharges, while others were given general discharges or worse based on the same offense.¹³ Thus, the process was a highly subjective one perceived to be unfair to many Service members accused of the same violations.

Due to the incongruent judicial practices of the U.S. military, the *Uniform Code of Military Justice* (UCMJ) was created to provide standardization in such matters. The UCMJ under Article 125, prohibits sodomy, defined as anal or oral penetration, whether consensual or coerced and same-sex or opposite sex, and does not exempt married couples. The greatest punishment for the offense between consenting members was five years of compulsory physical labor, loss of entitlements, and dishonorable discharge.¹⁴ Furthermore, cases of assault with the intent to commit sodomy were prosecuted under Articles 133 and 134 of the UCMJ, which precludes “all disorders and neglects to the prejudice of good order and discipline in the armed forces”.¹⁵ The latter article is usually called the General Article which has broad application in military law. Presently, these articles remain the grounds for a dishonorable discharge and other punishments specified by a court-martial in the U.S. military.¹⁶

Over the next thirty years, from the 1940s through the 1970s, the military policies regarding homosexuality were primarily based on the medical treatment model which permitted retention after the successful completion of a rehabilitation program. Although subsequent policies accepted rehabilitation, they generally migrated to emphasize separation from the U.S. military. However, in specific cases involving the outstanding service of a GL there would be special consideration for retention. Up to this point, the mid 1970s, measures to address the subject matter followed the medical treatment standard, but eventually evolved into a legal matter based on exclusion and separation from military service,¹⁷ until policy modification in the late 1970s.

The next major development of policy, according to scholars, occurred under President Jimmy Carter's administration, 1977-1981. In January of 1981, W. Graham Claytor Jr., serving as Deputy Secretary of Defense, issued a directive to provide better policy guidance which sought to establish standardization and minimize command discretion on the matter. This modification of policy ended the common practice of giving dishonorable discharges, when no offenses were substantiated under the UCMJ. On the other hand, it made warranted exceptions to the rule and the retention of some persons extremely difficult. Also, under this new modification, Service members merely identified as GL could be discharged on account of a predilection to engage in homosexual activities.¹⁸ The policy states in the *Department of Defense Directive 1332.14*, section H.1 as follows:

Homosexuality is incompatible with military service. The presence in the military environment of the persons who engage in homosexual conduct or who, by their statements, demonstrate a propensity to engage in homosexual conduct seriously impairs the accomplishment of the military mission. The presence of such members adversely affects the ability of the military Services to maintain discipline, good order, and morale; to

ensure the integrity of the system of rank and command; to facilitate assignment and worldwide deployment of service members who frequently must live and work under close conditions affording minimal privacy; to recruit and retain members of the Military Services; to maintain the public acceptability of military service; and to prevent breaches of security.¹⁹

This policy statement on “Enlisted Administrative Separations” has proven to be extremely problematic.²⁰ In comparison to the previous policies regarding homosexuality, a Service member did not receive a dishonorable or bad conduct discharge under these new administrative guidelines. As a consequence most GLs separated under these guidelines received honorable discharges.²¹ This new policy directive was applicable to all military personnel regardless of rank. Perhaps, more importantly, the novel policy withstood numerous legal challenges relating to due process, free speech, privacy, and equal protection under the law.²²

During this period, 1981 through 1993, policy experts contend that the policy directive remained the law of the land until the actions of the 42nd President of the United States, William Jefferson Clinton. In the 1992 presidential campaign, candidate Bill Clinton promised, if elected to office, he would permit GLs to serve openly in the U.S military. In effect, he would lift the ban imposed by Directive 1332.14 that was codified under the Reagan administration in 1982. President Clinton met formidable opposition from various powerful elements of the political, religious, and military communities when efforts were made to implement the campaign promise.²³ Nonetheless, Clinton's tenaciousness and political savvy resulted in the suspension of the “Enlisted Administrative Separations” policy on 29 January 1993. In so doing, his strategic aim was two-fold: establish a more tolerant, new policy not based on sexual orientation and retain optimal military readiness.²⁴

According to leading subject matter expert, Aaron Belkin, Director of the Center for the Study of Sexual Minorities in the Military (CSSMM) at the University of California, after months of major research by a number of outside firms like Rand Corporation and a host of Congressional hearings, a new policy was formulated and signed into law by President Clinton, commonly known as the “Don’t Ask, Don’t Tell” policy (P.L. 103-160) on 30 November 1993. To the dismay of protagonists on both sides of the intense debate, the new policy was seen as a politically expedient solution. Strident opponents of DADT maintain it was similar to the previous policy with a few superficial nuances. In similarity to the previous policy, DADT did not permit open GLs to serve in the military. In contrast to the previous policy, DADT did not permit the military to ask new recruits about sexual orientation. In similarity with the prior policy, it specified that any personnel who declare their homosexuality will be subject to legal discharge from military service.²⁵ As a result, the DADT policy has been seen as a major policy failure by many scholars and experts, although it established that the prohibition was based on the professional conduct of the Service member vice their sexual orientation.

Furthermore, and perhaps more significantly, scholars like Belkin posit the DADT policy should be reexamined due to a sizable body of creditable empirical data acquired over the last decade which challenge the traditional DoD and/or political assumptions. For instance, one of the primary justifications for the DADT policy revolves around the issue of unit cohesion. The advocates of DADT assert that military effectiveness and performance would significantly decline if open GLs are allowed to serve in uniform. Conversely, scholars like Belkin assert that lifting the ban against GLs does not

undermine military performance, based on the analysis of experiential data from foreign militaries.²⁶

Recent Trends in Foreign Militaries and the North Atlantic Treaty Organization (NATO)

Without question, the issue regarding the participation of GLs in the military is not a distinctly American conundrum. As a result, it seems relevant to consider three issues. First, consider the impact of the removal of GL bans by other foreign militaries. Second, examine to what extent open homosexuality has been detrimental to morale, cohesion and readiness. Lastly, identify the discernable trend among foreign militaries regarding the inclusion of openly GL soldiers, especially among the NATO nations.

In the last decade, almost 30 nations have removed their GL bans, with successful outcomes. Out of the 26 nations that participate in NATO, only the United States, Portugal, and Turkey do not permit open GLs to serve.²⁷ In fact, experts note that the United Kingdom lifted their GL ban in 2000 and Russia did the same in 2003.²⁸

In 2000, the *RAND Monograph Report* was written by the CSSMM on foreign militaries that abolished their exclusion ban on GLs. The comprehensive report specifically highlighted the outcomes of the policy reversals by Austria in 1992, Canada in 1992, Israel in 1993, and the United Kingdom in 2000. All four nations lifted their bans despite considerable opposition by elements of their political, religious, and military establishments. Although Austria, Canada, Israel, and the United Kingdom repealed their exclusionary policies on GLs for varying reasons, their experiential outcomes were quite similar.²⁹

Furthermore, the CSSMM 2000 report noted that the experience of the United Kingdom may provide lucid insights for the U.S. military with regard to the direction of

social and cultural change. Both countries are Western democratic style governments which share similar political, social, religious, and military institutions. The CSSMM report noted a survey conducted in 1996 of personnel in the British military four years before the lifting of their GL ban in 2000. The study noted that 66% of 13,500 respondents in the British military surveyed indicated they would not serve with open homosexuals.³⁰ In actuality, the empirical data demonstrated that was clearly not the case in 2000 when the GL ban was officially lifted by the British government. Although many of the British soldiers did not agree with the new policy, there was a “marked lack of reaction”.³¹ In other words, the British military did not experience major disruptions nor a mass exodus as some had predicted. By most accounts, it was hailed as a successful evolution for the British military and the people of the United Kingdom.

In this crucial area of analysis, the CSSMM 2000 report noted that, based on the collective empirical data of the 24 nations which permitted open GLs to serve in the military, the efficacy of the United States military would probably not decline.³² In summary, the trend among foreign militaries and NATO countries denotes a definite decline in the number of countries which exclude open GLs from participation in military service in the last decade. Seemingly, more tolerance and less ambivalence for homosexuality appear to be the cultural norm for most nations in the last five years.

Recent Trend in American Domestic Institutions

The Rand Corporation report titled, *Sexual Orientation and U.S. Military Personnel Policy* in 1993, also reviewed the experience of numerous domestic fire and police departments because these organizations operate within the American political, cultural and societal paradigm. In comparison with the U.S. military, their organizational

structures and chain of command operate somewhat like the military's hierarchical structures. The routine demands and daily functions of the personnel are quite similar in regard to logistical training, and living accommodations. Likewise, the personnel spend a great deal of time training for periods of intense and dangerous activities which require unit cohesion in order to be effective. The report specifically reviewed six major U.S. cities that removed exclusionary policies based upon sexual orientation: New York, Los Angeles, Houston, Seattle, San Diego, and Chicago. Without exception, all reported that the effectiveness of their organizations had not declined, nor had recruitment and retention suffered due to the presence of open GLs on their respective forces.³³ This collective empirical data denote that several key domestic institutions are trending towards the elimination of employment policies based on sexual orientation with the support of the American public they are sworn to protect and serve.

In the same vein, the CSSMM 2000 report suggested the American public was ready for the ban to be lifted in the same way it was ready for other agencies like the Secret Service, Central Intelligence Agency, Federal Bureau of Investigation, and National Security Agency to lift their exclusionary bans on GLs.³⁴ Lastly, many critics of the DADT policy note the Department of Defense is the only branch of government where personnel can lose employment for disclosure of their sexual orientation.

Comparisons to the Integration of African- Americans and Women in the U.S. Military

In his infamous speech announcing the DADT policy in 1993, President Clinton compared the integration experiences of African-Americans and women to the exclusion of homosexuals from the military with the phenomena of cultural changes within the American society. He stated the following:

Such controversies as this have divided us before. But our nation and military have always risen to the challenge before. That was true of racial integration of the military and changes in the role of women in the military, each of these was an issue because it was an issue for society, as well as for the military.³⁵

Many scholars and politicians have attempted to illustrate the similarities between the plight of GLs in the U.S. military with that of the integration of African-Americans in the 1940s and women in the 1970s.³⁶ The successful integration of African-Americans and women is touted as a monumental achievement for the U.S. military and served as a major catalyst for significant social and political changes in American society at large. Hence, a careful review of the four major similarities which have pertinent policy implications, according to scholars Donald Horner and Michael Anderson, is beneficial.³⁷

First, many proponents of the DADT policy believe that integration of open GLs would be “prejudicial-to-good-order-and-discipline”³⁸ in the U.S. military. Historical records show that strong opponents of the integration of African-Americans and women into the military espoused similar assumptions and justifications which are now viewed as false. For example, the legendary military figure, General George Marshall, United States Army, expressed those strong feelings to attendees at the Conference of Negro Editors in 1941:

The Army then cannot be made the means of engendering conflict among the mass of people because of a stand with respect to Negroes which is not compatible with the position attained by the Negro in civil life . . . The Army is not a sociological laboratory; to be effective it must be organized and trained according to the principles which insure success. Experiments to meet the wishes and demands of the champions of every race and creed for the solution of their problems are a danger to efficiency, discipline and morale and would result in ultimate defeat.³⁹

In the same vein, over the years, many high ranking military leaders have argued like General Marshall, that the “military is not a laboratory for social experimentation and should not be used” as a means to elucidate societal problems.⁴⁰ Nonetheless, protagonists on both sides of the DADT argument understand that group cohesion and morale are necessary elements in achieving military effectiveness in the successful prosecution of the nation's wars.

Second, the “practical and routine matters” associated with the daily military life for GLs would be similar to those encountered by African-Americans and women.⁴¹ For example, those personal concerns about living accommodations and individual privacy are reminiscent of the ones raised about integration of African-Americans, especially during the period of legalized racial segregation in the United States. In fact, many Anglo-American males refused to train, dine, or share living spaces with African-Americans in the early days of integration. These are fundamentally the same concerns broached about sharing accommodations with open GLs today. In addition, another dimension of this concern leads to the legitimate matter of personal privacy of the respective parties due to the sensitive nature of the human sexuality issue.

Third, they note that the dominant culture’s projection of derogatory stereotypes and negative behavioral characteristics on Africa-Americans and women have negatively affected their integration into the U.S. military.⁴² People who opposed the integration of these minorities into the military portrayed them in the worst possible light. African-Americans were often portrayed as obtuse, docile, sexually promiscuous and lacking the requisite skills to be effective in roles of military leadership. Likewise, women

were generally portrayed as physically weak, emotionally fragile, and lacking the requisite aggressiveness necessary for productive military service.⁴³

In the same way, the negative stereotypes of GLs are generally uncomplimentary and often exaggerated. They are usually portrayed as effeminate or hyper-masculine, weak, predatory pedophiles and/or mentally disturbed.⁴⁴ Although homosexuality is no longer classified as a mental disorder in many Western societies, in some non-Western post-colonial countries, homosexual orientation is still viewed as a psychological malady.⁴⁵

Fourth, the “right to serve” the nation is also similar to the belief postulated in the two aforementioned cases of integration.⁴⁶ Military historians note that African-Americans and women have served in some capacity in every war since the founding of the nation. Nevertheless, both groups have often been relegated to marginal roles in the U.S. military, until mandatory integration. Despite the strong desire of both groups to serve their country, they had to aggressively pursue the right to serve fully in the U.S. military, as the GLs are doing today.⁴⁷ Moreover, military service has given African-Americans and women a greater access to equal opportunity and upward mobility in American society. As a result, military service has become a viable means to an end to achieve the full rights of citizenship which warrants equitable treatment in the broader American society.

Morris Janowitz, a leading sociologist, observed:

...From World War I onward, citizenship military service has been seen as a device by which minorities could achieve political legitimacy and rights. Until Vietnam, for example, blacks pressed to be armed and integrated into the fighting military as a sign that they had effectively attained citizenship and the concomitant privileges. Americans of Japanese descent, who were subject to indignities and arbitrary Internment after the

attack on Pearl Harbor, volunteered for all-Japanese combat units in order to demonstrate their loyalty and reaffirm their citizenship.⁴⁸

As a consequence, military service generally leads to full recognition as a full American citizen and all the entitlements afforded under the U.S. Constitution. Without question, American veterans feel a strong sense of entitlement after they have made unprecedented sacrifices and paid the ultimate dues for other Americans to enjoy the fruits of democracy.

On the other hand, in this crucial area of analysis, scholars like John Sibley Butler take exception to equating the African-American and gay experiences of exclusion by the U.S. military. He asserts it is “a major fallacy to compare the homosexuals with a racial group with a history of exclusion from the military and other institutions in American society”.⁴⁹ He cited preponderant differences in the sociological and political experiences due to the dynamics of institutional slavery of African-Americans in America. Moreover, individuals like General Colin Powell, United States Army, the first African-American, Chairman of the Joint Chiefs of Staff of the Armed Forces from 1989 to 1993, refuted the comparison as well. He stated in a correspondence to Congressman Pat Schroeder the following:

Skin color is a benign, non-behavioral characteristic. Sexual orientation is perhaps the most profound of human behavioral characteristics. Comparison of the two is a convenient but invalid argument. I believe the privacy rights of all Americans in uniform have to be considered, especially since those rights are often infringed upon by conditions of military service.⁵⁰

Nonetheless, an understanding of some of the dynamics of racial and gender integration may offer pertinent lessons into the institutional ability of the U.S. military to adapt to significant organizational change. The constructive pattern of integration of the U.S. military demonstrates that it is possible to modify how people behave, despite

negative societal attitudes and feelings toward previously ostracized minority groups of Americans. Experts point out that 63% of Americans opposed racial integration in the 1940s.⁵¹ Overtime, this opposition has diminished to virtual non-existence. Moreover, by comparison, only 45% of Americans opposed the service of homosexuals in 1993.⁵² Historically, no other American institution has achieved more success in enmeshing an amalgam of diverse races, religions, classes, and ethnic cultures than the United States military.

Trends in American Public Opinion on the Issue

Many scholars and experts like Allan Futernick contend that societal changes external to the U.S. military “must precede any future decision to permit homosexuals to openly serve” in uniform.⁵³ The repeal would be based on strong evidence of a major decline in social ambivalence and animosity towards homosexuality in the broader American society.⁵⁴ In other words, a policy change in the U.S. military would have direct linkage to a greater tolerance for GLs across the American landscape by the populace. Experts note a discernable reduction in social ambivalence on homosexuals in three key areas: public opinion polls, mainline entertainment, and within the largest religious body in the United States.

A brief synopsis of the various polls reported in 1993 by the RAND study revealed that the American public was clearly “divided on the issue of open homosexuals serving in the military”.⁵⁵ The percentage that favored lifting the GL ban on military service varied between 40% to about 50%. For example, the *Wall Street Journal* and NBC News poll in June 1993 found that only 21% of registered voters opposed permitting homosexuals to serve regardless of the circumstances. However, approximately 38% of

the participants favored military service as long as sexual orientation was kept private; and 40 % were in favor of GLs serving under the same adherence to professional conduct as other Service members. Lastly, the RAND report concluded there was no strong empirical evidence to support permitting homosexuals to openly serve; the American populace was clearly “divided on this issue” in 1993.⁵⁶

In comparison, ten years later in America’s court of public opinion, there appears to be greater social tolerance of homosexuals openly serving in the U.S. military according to new polling data. In December 2003, a CNN and Gallop poll found that 79% of the American populace agreed that homosexuals should be permitted to serve.⁵⁷ The level of support among Americans had increased 23% from a similar poll conducted in 2001. In the same CNN and Gallop poll, 91% of the participants between ages 18 to 29, prime ages of military recruits, supported the repeal of the DADT policy.⁵⁸ Also, in October 2004, the University of Pennsylvania’s Annenberg Public Policy Center survey found broad base support from a pool of approximately 100, 000 respondent service personnel and families for allowing GLs to serve in the U.S. military.⁵⁹

Most importantly, in more recent polls scholars note that eight national polls conducted by six different polling agencies indicated an increasing acceptance of GLs serving in the U.S. military. These national polls were conducted by Fox News in 2003; CNN and USA - Gallop in 2003 and 2004; Annenberg National Election Survey in 2004; University of New Hampshire in 2005; University of California at Davis in 2005; and Pew Research Center in 2005 and 2006.⁶⁰ In summary, all the surveys found that “58% to 79% of the public” favored allowance of open GLs to serve in the U.S. military.⁶¹

The new collection of empirical polling data represents a major paradigm shift from approximately 45% in 1993 to 79% in 2006 relating to the DADT policy. Without a doubt, this significant societal trend reflects a major decline in social ambivalence and animosity towards homosexuals by the American populace. In fact, approximately “two-thirds of the public” surveyed in 2006 favored the repeal of the DADT policy.⁶² As a result, experts note the current “policy is inconsistent with public opinion” of a high percentage of Americans today.⁶³

In the field of entertainment in the last decade, there is unprecedented popularity of numerous openly GL actors on mainstream television in reality television series such as *The Real World: San Francisco* in 1993; *The Real World: Miami*; Richard Hatch on *Survivor* in 2000; and *Queer Eye for the Straight Guy* in 2003.⁶⁴ Additionally, the *Will and Grace Show*, an extremely popular primetime sitcom that starred two openly gay men and a straight female friend had a highly successful eight year run from 1998 through 2006.⁶⁵ Presently, *Brothers and Sisters*, a popular new drama on television which features several prominent gay characters ranks high among the shows on national television.⁶⁶

Moreover, numerous major celebrities like Ellen Degeneres and Rosie O'Donnell, popular comedians and stars of television shows, received national support when they publicly acknowledged their sexual orientation as lesbians.⁶⁷ To date, both superstar celebrities continue to enjoy exceptional commercial and professional success. The *Ellen Degeneres Show* consistently ranks high among the popular programs on national television.⁶⁸ Previously, such personal disclosures by entertainers would have caused

termination of commercial endorsements and resulted in the cancellation of their shows due to public outcry from a large segment of the American television audience.

In the major motion picture industry there has been a significant shift in the portrayal of gays, lesbians and bisexuals (GLBs) on the silver screen in Hollywood in the last decade. The GLB characters are presently portrayed with more respect and humanity. Movie critics claimed that up until the 1970s, GLBs were usually portrayed as deviant and degenerate figures as chronicled in *The Celluloid Closet*.⁶⁹ Today, GLBs are often portrayed with more sophistication, stature, and good character to the American audience by a host of well-known personalities in the industry. For instance, in 1993 *Philadelphia* was an Academy winning film about the AIDS epidemic which featured a superstar cast of Tom Hanks, Antonio Banderas, and Denzel Washington.⁷⁰

In 2005, less than three years ago, *Brokeback Mountain* received world-wide acclaim for its depiction of an intimate romantic relationship between two gay western cowboys. This blockbuster film featured two of Hollywood's best young lead actors, Jake Gyllenhaal and Heath Ledger, who starred in the western mega hit that grossed \$178,054,751 in 2006.⁷¹

Furthermore, historically, any film that featured two gay partners would not have been bankable because of a higher level of social ambivalence and animosity about the GL life-style by the American public. Hence, the tenor of times has definitely shifted in the field of entertainment which significantly influences every aspect of the American culture, especially with the younger generation from 18 to 29, the prime ages of military recruits.

In America the predominant religion, Christianity, which represents about 77% of the American population, has historically viewed homosexual behavior as immoral, unacceptable, and sinful.⁷² According to the *Bible*, the sacred text of Christianity, most interpretations condemn all sexual relationships of the same gender:

Therefore, God gave them over in the sinful desires of their hearts to sexual impurity for the degrading of their bodies with one another. They exchanged the truth of God for a lie, and worshipped ...created things rather than the Creator – who is forever praised. Amen. Because of this, God gave them over to shameful lusts. Even their women exchanged natural relations for unnatural ones. In the same way the men also abandoned natural relations with women and were inflamed with lust for one another. Men committed indecent acts with other men, and received in themselves the due penalty for their perversion.⁷³

Nonetheless, in the last decade some Christian denominations have espoused a wide variety of beliefs and practices towards homosexuals, including the establishment of inclusive congregations which actively serve and support the GLB community. The Metropolitan Community Church (MCC) is a leading model of this new trend in religion. Theologians and religious leaders consider MCC to be a liberal mainline Christian denomination that has grown to over 250 congregations in 23 countries in the last decade. The denomination was founded in 1968 when the majority of Christians universally held negative attitudes about homosexuals.⁷⁴

In the same spirit, the Episcopal Church in 2004 became the first mainline Christian denomination to elect, consecrate, and appoint the first openly homosexual Prelate, Bishop Gene Robinson, in the United States of America. He currently serves in the Episcopal Diocese of New Hampshire.⁷⁵ The election and appointment of Bishop Robinson has been a tremendous source of intense debate in the Episcopal Church and threatens a schism within the larger Anglican Community world-wide. Nonetheless,

this historic ecclesiastical appointment signals an increasing acceptance of GLBs among the more traditional mainline Christian denominations in the last three years.

Furthermore, in the area of American religion several recent polls reflect “that solid majorities of people who attend church on a regular basis and people who hold negative attitudes about homosexuality believe that gays and lesbians should be allowed to serve openly in the military”.⁷⁶ In addition, the Pew Research Center study of 2006 indicated that “two-thirds of the all Catholics and slightly more than all Protestants believe in the rights of gays to serve”.⁷⁷ These polls are significant because a strong element of the conservative Christian movement supported the DADT policy in 1993. In summary, in America’s largest religious tradition the tenor of the times has significantly shifted on the homosexual issue in the last three years, which will impact any subsequent decision to repeal the DADT policy.

Trends in the U.S. Military on the Issue

One of the primary reasons for the DADT policy was due to strong sentiments by heterosexual personnel about the inability to trust openly GLs with their lives in a combat environment. In the 1990s a number of polls reflected that only 16% of the male enlisted respondents supported GLs serving in uniform.⁷⁸ However, experts noted that more recent polls indicate a significant shift on the issue. In October 2004, a poll conducted by the Annenberg National Survey reflected for the first time a majority of junior enlisted personnel supported GLs being allowed to openly serve.⁷⁹ Perhaps, more importantly, a recent poll conducted by Zogby International in December 2006 reflected that 73% of 545 combat veterans returning from the GWOT in Iraq and Afghanistan were comfortable serving with GLs.⁸⁰

Many scholars and experts contend that these recent polls are significant because they represent a shift in two major areas from polls taken in 1993: (1) the first time a majority of junior enlisted personnel indicated that GLs should be permitted to serve; and (2) justification for DADT was the concern that junior enlisted personnel would not be able to develop bonds of trust with openly GL comrades.⁸¹ These recent findings reflect an important new trend line on the issue.

In the same way, there is a developing trend throughout the ranks of the armed forces. In March 2000, a study found the percentage of Naval officers between 1994 through 1999 who felt “uncomfortable in the presence of homosexuals” had drastically declined from 58% to approximately 36% during a five year period.⁸² By most accounts, the majority of military personnel, especially the younger members, from 18 to 29, felt more comfortable around GLs. Consequently, military leaders like the former NATO Commander and Democratic Presidential candidate in 2004, General Wesley Clark, United States Army, contended that the “temperature of the issue has changed over the decade”.⁸³

In the same vein, there is an unprecedented trend among a growing number of retired senior military officers representing all branches of the Armed Forces of the United States, calling for the repeal of the DADT policy. On 30 November 2007, a retired group of twenty-eight generals and admirals released a statement urging the Congress to repeal the DADT policy. The list was headed by Lieutenant General Jerry Hilmes, United States Army. They released the following news release:

We support the recent comments of another former Chairman of the Joint Chiefs, General John Shalikashvili, who has concluded that repealing the “Don’t Ask, Don’t Tell” policy would not harm, and would indeed help our armed forces. As is the case in Britain, Israel, and other nations which

allow gays and lesbians to serve openly, our service members are professionals who are able to work together effectively despite differences in race, gender, religion, and sexuality. Such collaboration reflects the strength and the best traditions of our democracy.⁸⁴

All of the distinguished military signatories reversed their original position on the DADT policy from 14 years ago. Without question, this is a significant trend because in 1993 polls noted that 97% of the flags officers in the U.S. military opposed lifting the ban.⁸⁵

Implementing Policy Change in the U.S. Military

The *Rand Monograph Report* noted that the way in which a policy change occurs determined its effectiveness with regards to the degree of organizational disruptions. “Based on a review of organization theory, implementation research, and the U.S. military's own experience with racial integration,” the report cited a number of key considerations for a successful implementation strategy:

- The policy change must be communicated clearly and consistently from the top. It is imperative because many senior military leaders are on record as opposing any change; if a change is made in policy, they must signal their acceptance of the change and their commitment to its successful execution. It must be understood that behavioral dissent from the policy will not be tolerated.
- The policy selected should be executed expeditiously. Any sense of experimentation invites those opposed to change to resist it.
- Emphasis must be focused on conduct, not teaching tolerance and sensitivity. Attitudes may change over time, but professional behavior must be consistent with the new policy from the outset.

- Leaders at every level of the military establishment must be empowered to implement the new policy, and some special training is necessary to ensure that the change is fully understood and occurs expeditiously.
- Some type of monitoring process should be established to identify any problems early in the implementation process to rectify them promptly.⁸⁶

The sound aforementioned recommendations offer a constructive strategy for the implementation of any future policy change on sexual orientation in the U.S. military. In addition, the report noted that Articles 125, 133 and 134 of the UCMJ must be modified to reflect any new policy changes. However, on other possible associated legal issues regarding “homosexual marriages or conferring benefits on homosexual partners”, the status quo should be maintained within the Department of Defense until legally directed by the Supreme Court,⁸⁷ the highest court in the nation.

Conclusion

In summation, empirical research data denote the tenor of the times has significantly changed on the issue of sexual orientation in the American society since the establishment of the DADT policy over a decade ago. A number of societal trends within the American culture demonstrate a significant decline in social ambivalence and animosity towards GLs in the areas of employment, entertainment, religion, and military service. These trends support the probability of eventual change of policies which deny participation based on sexual orientation within American institutions, to include the Department of Defense, increasingly possible. Lastly, the corporate empirical evidence from foreign militaries and scores of domestic institutions with positive experiential outcomes, as well as the successful integration of other minorities into the Armed

Forces of the United States, make the repeal of the DADT policy inevitable in the foreseeable future.

Endnotes

¹ In modern vernacular the word “gay” usually refers to men and the word “lesbian” is generally used in referring to women. In this document the words “homosexual” and “gay” will be gender neutral. The acronym (GL) is used to represent all inclusively in the document.

² Open Congress, *Military Readiness Enhancement Act* (H.R. 1246), 28 February 2007; available from <http://www.opencongress.org>; Internet; accessed 13 February 2008.

³ David F. Burrelli and Jody Feder, *Homosexuals and U.S Military Policies: Current Issues* (Washington, D.C. : Library of Congress, Congressional Research Service, January 2007), 2.

⁴ Military Education Initiative Organization, “Facts about Don’t Ask, Don’t Tell”; available at <http://www.military-education.org/dadt/index.html>; Internet; accessed 21 December 2007.

⁵ Walter M. Brasch, “Gays in the Military Speak Out at Last,” *The American Reporter Online*, February 2008 [journal on-line]; available from <http://www.american-reporter.com/3,356W/320.html>; Internet; accessed 12 February 2008, 1-3.

⁶ Center for the Study of Sexual Minorities in the Military, “Gays and Lesbians in the U.S. Military: 64 Points and Counterpoints,” in *CSSMM Resource Guide* (Santa Barbara: University of California, July 2003), 15.

⁷ Allan J. Futernick, “Sexual Orientation and the Armed Forces: Lifting the Ban with Caution,” in *Gays, and Lesbians in the Military: Issues, Concerns, and Contrasts*, eds. Wilbur J. Scott and Sandra Carson Stanley (Hawthorne, NY: Aldine de Gruyer, 1994), 241.

⁸ Randy Shilts, *Conduct Unbecoming: Gays & Lesbians in the U.S. Military, Vietnam to the Persian Gulf* (New York: St. Martin’s Press, 1993), 7-12.

⁹ Francine D’ Amico, “Race-ing and Gendering in the Military Closet,” in *Gay Rights, Military Wrongs: Political Perspectives on Lesbians and Gays in the Military*, ed. Craig A. Rimmerman (New York: Garland, 1996), 5.

¹⁰ David F. Burrelli, “An Overview of the Debate on Homosexuals in the U.S. Military,” in *Gays, and Lesbians in the Military: Issues, Concerns, and Contrasts*, eds. Wilbur J. Scott and Sandra Carson Stanley (Hawthorne, NY: Aldine de Gruyer, 1994), 17.

¹¹ Ibid.

¹² D’ Amico, 6.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Burrelli, 18.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ D' Amico, 6.

¹⁹ Shilts, 378-79.

²⁰ Burrelli, 19.

²¹ Ibid., 20.

²² Ibid.

²³ Ibid.

²⁴ Aaron Belkin, "Don't Ask, Don't Tell: Is the Gay Ban Based on Military Necessity?" *Parameters* 33 (Summer 2003): 108.

²⁵ Ibid., 109.

²⁶ Ibid., 118.

²⁷ Brasch.

²⁸ Burrelli, *Homosexuals and U.S. Military Policies: Current Issues*, 35.

²⁹ Belkin, 110.

³⁰ Ibid.

³¹ Ibid., 111.

³² Ibid., 118.

³³ Bernard D. Rostker, et al., *Sexual Orientation and U.S. Military Personnel Policy*; available from http://www.Rand.org/pubs/monograph_reports/MR323/index.html; Internet; accessed 20 December 2007, 106-122.

³⁴ Center for the Study of Sexual Minorities in the Military, 15.

³⁵ Gary L. Rolison and Thomas K. Nakayama, "Defensive Discourse: Blacks and Gays in the U.S. Military," in *Gays, and Lesbians in the Military: Issues, Concerns, and Contrasts*, eds. Wilbur J. Scott and Sandra Carson Stanley (Hawthorne, NY: Aldine de Gruyter, 1994), 127.

³⁶ Futernick, 231.

³⁷ Donald H. Horner, Jr. and Michael T. Anderson, "Integration of Homosexuals into the Armed Forces: Racial and Gender Integration as a Point of Departure," in *Gays and Lesbians*

in the Military: Issues, Concerns, and Contrasts, eds. Wilbur J. Scott and Sandra Carson Stanley (Hawthorne, NY: Aldine de Gruyer, 1994), 248.

³⁸ Futernick, 231.

³⁹ Horner, 248.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid., 249.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Wikipedia, "Sexual Orientation and Military Service;" available from http://www.en.wikipedia.org/sexual_orientation_and_military_service; Internet; accessed 6 October 2007.

⁴⁶ Horner, 250.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Rolison, 129.

⁵⁰ Charles Moskos, Jr., "From Citizens' Army to Social Laboratory," in *Guys and Lesbians in the Military: Issues, Concerns, and Contrasts*, eds. Wilbur J. Scott and Sandra Carson Stanley (Hawthorne, NY: Aldine de Gruyer, 1994), 63.

⁵¹ Rostker, 22.

⁵² Aaron Belkin, "Don't Ask, Don't Tell; Does the Gay Ban Undermine the Military's Reputation?" *Armed Forces & Forces Online*, January 2008 [journal on-line]; available from <http://www.afs.sagepub.com/cgi/content/abstract/34/2/276>; Internet; accessed 1 February 2008, 276 -291.

⁵³ Futernick, 231.

⁵⁴ Ibid.

⁵⁵ Rostker, 23.

⁵⁶ Ibid., 24.

⁵⁷ Mady Wechsler Segal and Chris Bourg, "Professional Leadership and Diversity in the Army," in *The Future of the Army Profession*, ed. Lloyd J. Matthews (New York: McGraw-Hill, 2005), 706.

⁵⁸ Ibid.

⁵⁹ Annenberg Public Policy Center, *National Annenberg Election Survey*, 16 October 2004; available from <http://www.nae04.org>; Internet; accessed 21 December 2007. The survey is the largest and most comprehensive academic election poll conducted in the U.S.; a total of approximately 100,000 interviews.

⁶⁰ Belkin, "Don't Ask, Don't Tell; Does the Gay Ban Undermine the Military's Reputation?", 279.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Wikipedia, "Media and Sexual Orientation;" available from <http://www.en.wikipedia.org>; Internet; accessed 21 January 2008.

⁶⁵ Ibid.

⁶⁶ *Brothers & Sisters*; available from <http://www.tv.com/brother-and-sisters/show>; Internet; accessed 8 February 2008.

⁶⁷ Wikipedia, "Media and Sexual Orientation;"

⁶⁸ *Ellen Degeneres Show*; available from <http://www.tv.com/the-ellen-degeneres-show>; Internet; accessed 8 February 2008.

⁶⁹ Wikipedia, "Media and Sexual Orientation;"

⁷⁰ Ibid.

⁷¹ *Brokeback Mountain*, "Total Receipts;" available from <http://www.boxofficemojo.com>; Internet; accessed 21 January 2008.

⁷² Wikipedia, "Societal Attitudes Toward Homosexuality;" available from <http://www.en.wikipedia.org>; Internet; accessed 23 January 2008.

⁷³ "Romans 1:24-27," in *Holy Bible* (Grand Rapids, MI: Zondervan, 1979).

⁷⁴ Metropolitan Community Church; available from <http://www.en.wikedia.org>; Internet; accessed 21 January 2008.

⁷⁵ Episcopal Diocese of New Hampshire; available from <http://www.nhsmpshire.org/bishop>; Internet; accessed 21 January 2008.

⁷⁶ Belkin, "Don't Ask, Don't Tell; Does the Gay Ban Undermine the Military's Reputation?", 278.

⁷⁷ Brasch., 1-3.

⁷⁸ Laura L. Miller, "Fighting for a Just Cause: Soldiers' Views on Gays in the Military," in *Gays and Lesbians in the Military: Issues, Concerns, and Contrasts*, eds. Wilbur J. Scott and Sandra Carson Stanley (Hawthorne, NY Aldine de Gruyter, 1994), 70.

⁷⁹ Belkin, "Don't Ask, Don't Tell; Does the Gay Ban Undermine the Military's Reputation?", 285.

⁸⁰ Zogby International, "Opinions of the Military Personnel on Sexual Minorities in the Military," 13-23 December 2006; available from http://www.zogby.com/CSSM_Report-final.pdf; Internet; accessed 8 February 2008.

⁸¹ Belkin, "Don't Ask, Don't Tell; Does the Gay Ban Undermine the Military's Reputation?", 286.

⁸² Ibid., 285.

⁸³ Ibid.

⁸⁴ The Michael D. Palm Center, "Twenty-Eight Generals and Admirals Call for End to Military's Gay Ban," 29 November 2007; available from http://www.palmcenter.org/press/dadt/releases/twenty_eight_generals_and_admirals_call; Internet; accessed 20 December 2007.

⁸⁵ Ibid.

⁸⁶ Rostker, xxix.

⁸⁷ Rostker, xxx.

